

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ARDELL HAIRSTON,

Plaintiff,

v.

Case No. 23-12434

MILHOUSE, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

**ORDER**

**ADOPTING REPORT AND RECOMMENDATION (ECF NO. 21)  
AND DENYING DEFENDANT’S MOTION TO DISMISS AS MOOT**

Plaintiff filed this *pro se* civil rights action, pursuant to 42 U.S.C. § 1983, against Defendants on September 26, 2023. This matter was referred to Magistrate Judge Elizabeth Stafford for all pretrial proceedings.

In Motion to Dismiss filed on April 3, 2024, Defendants asserted that this action should be dismissed without prejudice because Plaintiff’s mail is being returned as undeliverable and Plaintiff has not been litigating this case.

In a Report and Recommendation (“R&R”) issued on July 9, 2024, Magistrate Judge Stafford recommends that Defendants’ Motion to Dismiss be denied as moot because Plaintiff has provided the Court with his updated address.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a magistrate judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. The district judge to whom the case is assigned reviews those objections, and any response to the objections from the opposing party. “The district judge

may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3).

The time permitted for the parties to file objections to that Report and Recommendation has passed and no objections were filed.

Accordingly, the Court **ADOPTS** the July 9, 2024 Report and Recommendation and **ORDERS** that Defendants’ Motion to Dismiss is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: August 1, 2024